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SEP 20 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
TARNISHIA PAUL,
Defendant.

No. 3-05-70741 JCS

~~[PROPOSED]~~ ORDER AND STIPULATION
WAIVING A DETENTION HEARING
WITHOUT PREJUDICE, WAIVING TIME
UNDER RULE 5.1 AND EXCLUDING
TIME FROM SEPTEMBER 15, 2005 TO
SEPTEMBER 29, 2005 FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(8)(A))

The parties discussed various pre-trial matters via telephone on September 15, 2005. With the agreement of the parties, and with the consent of the Defendant, the Court enters this order (1) vacating the September 22, 2005 hearing date and scheduling a new preliminary hearing/arraignment date of September 29, 2005 at 9:30 a.m., before the Honorable Joseph C. Spero; (2) documenting the Defendant's waiver of time limits under Federal Rule of Criminal Procedure 5.1; (3) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from September 15, 2005 to September 29, 2005; and (4) documenting the Defendant's waiver, without prejudice, of her right to a detention hearing. The parties agreed, and the Court hereby holds, as follows:

1. The Defendant waives the time limits for a preliminary hearing under Federal Rule of

STIP. & ~~[PROPOSED]~~ ORDER
C 3-05-70741 JCS

1 Criminal Procedure 5.1. The government has not yet been able to produce discovery, and the
 2 parties are currently discussing a disposition of this case that may involve cooperation and/or
 3 agreement by the government not to proceed on certain possible charges. Failure to grant the
 4 requested continuance would unreasonably deny both defense and government counsel
 5 reasonable time necessary for effective preparation, taking into account the exercise of due
 6 diligence, and would deny the Defendant continuity of counsel.

7 2. Counsel for the defense believes that postponing the preliminary hearing is in his
 8 client's best interest, and that it is not in his client's interest for the United States to indict the
 9 case before the currently-scheduled preliminary hearing date of September 22, 2005.

10 3. The Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to
 11 grant the requested continuance would unreasonably deny both government and defense counsel
 12 reasonable time necessary for effective preparation, taking into account the exercise of due
 13 diligence, and would deny the Defendant continuity of counsel.

14 4. Given these circumstances, the Court finds that the ends of justice served by excluding
 15 the period from September 15, 2005 to September 29, 2005, outweigh the best interest of the
 16 public and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

17 5. Accordingly, and with the consent of the defendant, the Court orders that the period
 18 from September 15, 2005 to September 29, 2005, be excluded from Speedy Trial Act
 19 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

20 6. The Defendant also waives her right to a detention hearing, without prejudice.

21 7. The Court hereby vacates the September 22, 2005 preliminary hearing/detention
 22 hearing date and schedules a new preliminary hearing/arraignment date of September 29, 2005, at
 23 9:30 a.m., before the Honorable Joseph C. Spero.

24 IT IS SO STIPULATED.

25
 26 DATED: 9/16/05

_____/s/
 TRACIE L. BROWN
 Assistant United States Attorney

1
2 DATED: 9/19/05

/s/
RONALD C. TYLER
Attorney for TARNISHIA PAUL

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4 IT IS SO ORDERED.

5
6 DATED: 9/20/05


HON. JOSEPH C. SPERO
United States Magistrate Judge